

U.S. DISTRICT COURT  
N.D. OF N.Y.  
FILED

SEP 16 2009

LAWRENCE K. BAERMAN, CLERK  
ALBANY

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

---

UNITED STATES OF AMERICA

**MOTION TO DISMISS**

v.

No. 07-M-240

JOHN COURTNEY,  
Defendant.

---

Hon. Randolph F. Treece  
U.S. Magistrate Judge

Comes now the United States of America, by and through Andrew T. Baxter, United States Attorney for the Northern District of New York, Edward P. Grogan, Assistant United States Attorney, of counsel, and respectfully moves this Court for leave to dismiss Complaint No. 07-M-240 (copy attached hereto), and in support of this motion avers as follows:

On July 14, 2007, Complaint No. 07-M-240 was sworn to before the Hon. Larry A. Kudrle. The Complaint charges JOHN COURTNEY with attempting to possess a schedule II controlled substance in violation of 21 U.S.C. § 846 and 841(a)(1). Defendant was released subject to conditions on July 17, 2007.

I have determined that continued prosecution of this defendant is not appropriate. Therefore, the government wishes to dismiss Complaint No. 07-M-240, without prejudice and in the interest of justice.

WHEREFORE, the United States Attorney moves the Court for an Order for Dismissal of  
Complaint No. 07-M-240.

Dated: September 16, 2009  
Albany, New York

Respectfully submitted,

ANDREW T. BAXTER  
UNITED STATES ATTORNEY

BY:



Edward P. Grogan  
Assistant U.S. Attorney  
Bar Roll No. 506388